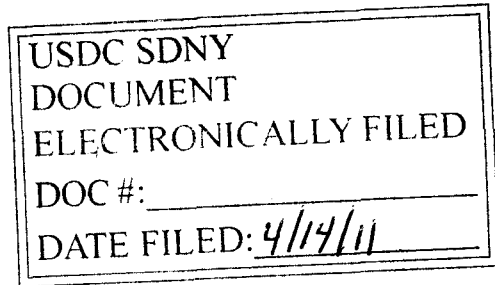


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
WALTER J. ROACHE,
:
Petitioner,
:
-against-
:
SUPERINTENDANT S.A. CONNELL,
:
Onieda Correctional Facility
:
Respondent.
:
-----X

06 Civ. 3567 (WHP) (RLE)

ORDER



WILLIAM H. PAULEY III, District Judge:

Petitioner pro se Walter Roache seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his conviction on January 5, 1993, after entering a plea of guilty to sexual abuse in the first degree, in the County Court, Orange County. This action was referred to Magistrate Judge Ronald L. Ellis on December 11, 2008. On May 24, 2010, Magistrate Judge Ellis issued a report and recommendation (the "Report") recommending that Roache's petition be denied. In response to Roache's October 25, 2010 letter notifying the Court that he never received copy of the Report, the Court mailed a copy to Roache's current address and extended Roache's time to object to February 22, 2010. However, that time has passed and Roache has not filed any objections.

This Court has reviewed Magistrate Judge Ellis's thorough and well-reasoned Report and finds that it is not facially erroneous. See 28 U.S.C. § 636(b)(1). Accordingly, this Court adopts the Report in its entirety and denies Roache's petition. Because Roache has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not be issued. See 28 U.S.C. § 2253(c)(2).

This Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962). The Clerk of the Court is directed to terminate all pending motions and mark this case as closed.

DATED: April 14, 2011
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

Copies Mailed to:

Hon. Ronald L. Ellis

Walter J. Roache
(93-A-1783)
Marcy Correctional Facility
P.O. Box 300
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Plaintiff pro se

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